

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIAJIE ZHU,
Plaintiff,

v.

JING LI, et al.,
Defendants.

Case No. 19-cv-02534-JSW (TSH)

DISCOVERY ORDER

Re: Dkt. Nos. 247, 250

The Court held a hearing on August 4, 2023 concerning the discovery letter briefs at ECF Nos. 247 and 250 in which Plaintiffs and Judgment Creditors move to compel on certain interrogatories (“rogs”) and requests for production (“RFPs”) they propounded as part of their judgment debtor discovery. The Court now issues this order.

A. Rule 62 Issue

Defendants and Judgment Debtors argue that judgment debtor discovery is premature because the Amended Judgment was issued on August 16, 2023 (ECF No. 253), and Federal Rule of Civil Procedure 62(a) states that “[e]xcept as provided in Rule 62(c) and (d), execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the court orders otherwise.” However, the Court disagrees. Judgment debtor discovery is neither the execution of a judgment nor a proceeding to enforce it. Rather, it is a process to obtain information or documents that may be useful when it comes time for the judgment creditor to execute or enforce the judgment. In the words of Rule 69(a)(2), judgment debtor discovery is “[i]n aid of the judgment or execution” (emphasis added); it is not the execution or enforcement itself. By contrast, “[a] money judgment” – which is what the Plaintiffs have here – “is enforced by a writ of execution,” (Rule 69(a)(1)), which is not what judgment debtor discovery is.

Accordingly, a litigant “may obtain discovery pursuant to Rule 69(a)(2) once judgment has been entered,” *Parallel Iron LLC v. NetApp, Inc.*, 84 F. Supp. 3d 352, 362 (D. Del. 2015), which has happened here.

B. RFPs and Rogs

For most of the discovery at issue, subject to the Rule 62 argument just discussed, Defendants agreed to produce the requested information and documents, and at the hearing they stated they could do so within 30 days. Accordingly, the Court **GRANTS** Plaintiffs’ motion to compel as to rogs 1, 11, 15, 16, 17, 19, 21 and 24 and RFPs 1, 2, 5, 8, 14, 21, 25, 27, 28 and **ORDERS** Defendants to produce the requested information and documents within 30 days.

As discussed at the hearing, the Court **ORDERS** the parties to file a joint discovery letter brief no later than August 31, 2023 concerning rog 7 and RFPs 22, 6 and 23. Having considered the issue further since the hearing, the Court also **ORDERS** the parties to further brief rog 20 in that letter brief. The Court **DENIES** the motion to compel as to rog 23 because it is not sufficiently focused on judgment debtor discovery and is invasive of privacy.

IT IS SO ORDERED.

Dated: August 28, 2023


THOMAS S. HIXSON
United States Magistrate Judge